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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,212	01/12/2001	Han Tack-don	2834-36	8573
7590	06/03/2004		EXAMINER	
NIXON & VANDERHYE P.C. 8th Floor 1100 North Glebe Rd. Arlington, VA 22201-4714				COULTER, KENNETH R
		ART UNIT	PAPER NUMBER	2141

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/758,212	HAN ET AL.
	Examiner	Art Unit
	Kenneth R Coulter	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 January 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/11/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities:

"a user can directly user network services" (Abstract, lines 5 – 6).

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to because of the following:

"INFROMATION" (FIG. 4A, item 41; FIG. 4B, item 43).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1 - 19 are rejected under 35 U.S.C. 102(e) as being disclosed by Perkowski (U.S. Pat. No. 6,625,581) (Method of and System for Enabling the Access of Consumer Product Related Information and the Purchase of Consumer Products at Points of Consumer Presence on the World Wide Web (WWW) at which Consumer Product Information Request (PIR) Enabling Servlet Tags are Embedded Within HTML-Encoded Documents).

4.1 Regarding claim 1, Perkowski discloses advertising method comprising the steps of:

the advertiser transmitting address information for providing services of a predetermined advertisement to a server (Abstract; col. 73, lines 42 - 67);  
the server assigning index information to the address information and storing the address information and index information (col. 81, lines 3 - 25); and  
converting the address information or index information into a code image, which can be physically or electronically represented, by encoding the address information or index information using an encoding algorithm provided from the server (Figs. 4A1, 4B; col. 81, lines 3 - 25).

4.2 Per claim 2, Perkowski teaches the step of:

distributing the code image in a printed state on a medium, in the form of a computer readable electronic file, in a state displayed on a screen, or in a state which can be input through an optical apparatus (Fig. 4J1).

4.3 Regarding claim 3, Perkowski discloses that the code image includes a data area formed of at least one or more data cells each of which is represented by colors or shades according to the content of information to be encoded (Abstract; Figs. 4A1, 4B, 4J1)

4.4 Per claim 4, Perkowski teaches that the code image further comprising at least **one or more** among:

a parity area, which is formed of at least one or more parity cells, for providing parity information for confirming whether or not the colors or shades read from the data cells are correctly recognized during decoding (Abstract; Figs. 4A1, 4B, 4J1);

a reference area, which is formed of at least one or more reference cells, for providing base colors or base shades for determining the colors or shades of data cells formed in the data area (Abstract; Figs. 4A1, 4B, 4J1); and

a control area, which is formed of at least one or more control cells, for representing commands or services which can be provided by the information represented in the data area (Abstract; Figs. 4A1, 4B, 4J1).

4.5 Regarding claim 5, Perkowski discloses converting characters or numbers into an image to be represented in a cell in the data area, a pattern including a vector line as well as colors or shades is used, or colors or shades are differently represented after dividing a cell horizontally, vertically, or diagonally (Abstract; Figs. 4A1, 4B, 4J1 (bar code)).

4.6 Per claim 6, Perkowski teaches an advertising method comprising the steps of: converting a code image related to an advertisement into computer readable code data (Figs. 4A1, 4B; col. 81, lines 3 - 25); decoding the code data by a decoding algorithm and extracting code information contained in the code image (Figs. 4A1, 4B; col. 81, lines 3 - 25); and executing a service program according to the code information and providing services preset for the advertisement (Abstract; col. 73, lines 42 - 67).

4.7 Regarding claim 7, Perkowski discloses that the code image is an image formed of shapes, colors, patterns, or their combinations generated by converting one or more characters or numbers contained in the code information according to a predetermined code conversion table, which maps each character and number to a predetermined color or shade (Abstract; Figs. 4A1, 4B, 4J1).

4.8 Per claims 8 – 19, the rejection of claims 1 – 7 (paragraphs 4.1 – 4.7 above) under 35 USC 102(e) applies fully.

5. Claims 1 - 19 are rejected under 35 U.S.C. 102(e) as being disclosed by Philyaw et al. (U.S. Pat. No. 6,745,234) (Method and Apparatus for Accessing a Remote Location By Scanning an Optical Code).

5.1 Regarding claim 1, Philyaw discloses advertising method comprising the steps of:

the advertiser transmitting address information for providing services of a predetermined advertisement to a server (Figs. 8, 19);  
the server assigning index information to the address information and storing the address information and index information (Figs. 8, 9, 19); and  
converting the address information or index information into a code image, which can be physically or electronically represented, by encoding the address information or index information using an encoding algorithm provided from the server (Figs. 8, 9, 19).

5.2 Per claim 2, Philyaw teaches the step of:

distributing the code image in a printed state on a medium, in the form of a computer readable electronic file, in a state displayed on a screen, or in a state which can be input through an optical apparatus (Figs. 8, 9, 19).

5.3 Regarding claim 3, Philyaw discloses that the code image includes a

data area formed of at least one or more data cells each of which is represented by colors or shades according to the content of information to be encoded (Fig. 16, item 1602; Fig. 20, item 2000; col. 10, line 61 – col. 11, line 11).

5.4 Per claim 4, Philyaw teaches that the code image further comprising at least **one or more** among:

a parity area, which is formed of at least one or more parity cells, for providing parity information for confirming whether or not the colors or shades read from the data cells are correctly recognized during decoding (col. 10, line 61 – col. 11, line 11);

a reference area, which is formed of at least one or more reference cells, for providing base colors or base shades for determining the colors or shades of data cells formed in the data area (Fig. 16, item 1602; Fig. 20, item 2000; col. 10, line 61 – col. 11, line 11), and

a control area, which is formed of at least one or more control cells, for representing commands or services which can be provided by the information represented in the data area (Fig. 16, item 1602; Fig. 20, item 2000).

5.5 Regarding claim 5, Philyaw discloses converting characters or numbers into an image to be represented in a cell in the data area, a pattern including a vector line as well as colors or shades is used, or colors or shades are

differently represented after dividing a cell horizontally, vertically, or diagonally (Fig. 16, item 1602; Fig. 20, item 2000; col. 10, line 61 – col. 11, line 11).

5.6 Per claim 6, Philyaw teaches an advertising method comprising the steps of: converting a code image related to an advertisement into computer readable code data (Figs. 8, 19);

decoding the code data by a decoding algorithm and extracting code information contained in the code image (Figs. 8, 9, 19); and executing a service program according to the code information and providing services preset for the advertisement (Figs. 8, 9, 19).

5.7 Regarding claim 7, Philyaw discloses that the code image is an image formed of shapes, colors, patterns, or their combinations generated by converting one or more characters or numbers contained in the code information according to a predetermined code conversion table which maps each character and number to a predetermined color or shade (Fig. 16, item 1602; Fig. 20, item 2000; col. 10, line 61 – col. 11, line 11).

5.8 Per claims 8 – 19, the rejection of claims 1 – 7 (paragraphs 5.1 – 5.7 above) under 35 USC 102(e) applies fully.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 703 305-8447. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER  
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